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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/511,968	02/23/2000	Jay S. Walker	96-082-C1	3686
22927	7590	06/05/2007		
WALKER DIGITAL MANAGEMENT, LLC 2 HIGH RIDGE PARK STAMFORD, CT 06905			EXAMINER USTARIS, JOSEPH G	
			ART UNIT	PAPER NUMBER
			2623	
			MAIL DATE	DELIVERY MODE
			06/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/511,968	WALKER ET AL.	
	Examiner	Art Unit	
	Hai Tran	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-90 is/are pending in the application.
- 4a) Of the above claim(s) 1-86 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 87-90 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/31/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

In response to Applicant request for New Non-Final Office Action, the request is denied since Claims 86-90 (dated 01/23/2007) were significantly amended from the last Non-Final Office action dated 04/05/2006 and amended claims dated 02/04/2005.

In view of Applicant's remark that the portions of Alexander relied upon the previous Final Office action to reject claims 86-90 do not appear to be supported or described in U.S. Provisional Patent Application No.60/034,784, the Examiner, after carefully reviewed it, agrees with Applicant. Therefore, the previous Final Office action is withdrawn.

In view of Applicant's remark that the finality of the Final Office Action (dated 03/09/2007) is premature, the Examiner respectfully disagrees with Applicant because claims 86-90 were significantly amended (dated 01/23/2007) from the previous Office Action; for example, Non-Final Office action dated 04/05/2006 and amended claims dated 02/04/2005. As such the Final Office Action is just.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 87-90 are rejected under 35 U.S.C. 102(e) as being anticipated by Reimer et al. (US 5696905).

Claim 87, Reimer discloses a method, comprising:

“entering product data related to a product used in an entertainment program” (reads on user entering a query; Col. 16, lines 11-54; and Col. 22, lines 42-60);

“wherein the product data includes information identifying how the product was used in a scene of the entertainment program” (see Fig.22A; Col. 22, lines 60-Col. 23, lines 30);

“receiving the entered product data” reads on the Source, Foundation and Index information of Fig. 1 and Fig. 16 that receive the users queries for processing, as disclosed (Col.16, lines 55-Col. 24, lines 43)

“storing the entered product data in a central database” reads on various tables and database, i.e., Fig.1, el. 118-122, 108-112; and

“accessing from the database information about the product used in the scene of the entertainment program” reads on processing the queries, thereby providing the result to user request (Col. Col.16, lines 55-Col. 24, lines 43).

Claim 88, Reimer further discloses

“storing the entered product data in a local database” reads on various tables and database located at various (see Fig.1 wherein the entered product metadata is inherently storing at various Merchant’s server); and

“remotely transmitting the product data stored in the local database to the central database” reads on (reads on various product data information from various Merchant’s servers is remotely providing information data to the central location for pre-production, production and post-production process; Col. 6, lines 45-Col.7, lines 65+);

claim 89, Reimer further discloses :

“receiving, from a viewer of the entertainment program, a request about the product, the request containing a subset of the product data” reads on the viewer requests of addition information of the product requested (Col. 23, lines 40-67);

“identifying the product data in the database using the subset of the product data; and sending the identified product data to the viewer” reads on the contact Merchant servers locates the corresponding information and presents back to the viewer (Col. 23, lines 60—Col. 24, lines 15).

Claim 90, Reimer further discloses,

“receiving a request from an entertainment program viewer about the product” reads on the viewer’s query relates to the product (merchandise) requested is received and processed at “presentation and control component” Fig. 1, el. 104 (Col. 23, lines 40-67);

“remotely transmitting a query relating to the request” read on the receiver remotely sends the request, i.e., query, for additional information to the “presentation and control component” Fig. 1, el. 104 (Col. 23, lines 40-67);

“receiving product information about the product identified in the request” reads on the “presentation and control component” Fig. 1, el. 104 locates the corresponding information and presents back to the viewer (Col. 23, lines 62-Col. 24, lines 8).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

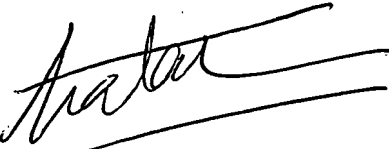
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT:ht
05/21/2007



**HAI TRAN
PRIMARY EXAMINER**